

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 03-12551-MBB

FRANK SACO,
Plaintiff,

VS.

TUG TUCANA CORPORATION,
Defendant.

DEFENDANT'S REQUEST FOR SPECIAL JURY QUESTIONS

It is respectfully requested that the Court submit to the jury the following questions:

- 1.(a) Has the plaintiff proven by a preponderance of the evidence that the defendant was negligent?

Yes _____ No _____

- (b) If so, has the plaintiff proven by a preponderance of the evidence that defendant's negligence was a proximate cause of the plaintiff's injury?

Yes _____ No _____

- 2.(a) Has the plaintiff proven by a preponderance of the evidence that the TUG TUCANA was unseaworthy?

Yes _____ No _____

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- (b) If so, has the plaintiff proven by a preponderance of the evidence that unseaworthiness was the direct and substantial cause of the plaintiff's injury?

Yes _____ No _____

If the answers to Questions 1(a) and 2(a) are both "No," proceed no further and report to the Court that you have reached a verdict. If the answers to Questions 1(a) or 2(a) are "Yes" and the answer to Questions 1(b) or 2(b) is "No", proceed no further and report to the Court that you have reached a verdict.

3. Was plaintiff, FRANK SACO, contributorily negligent?

Yes _____ No _____

4. State in what percentage Mr. SACO's contributory negligence and the defendant's negligence caused or contributed to the injuries alleged.

Mr. BRESLIN's contributory
negligence: _____ %

Defendant's negligence and/or
Unseaworthiness _____ %
100%

- 5.(a) Has the plaintiff proven by a preponderance of the evidence that the plaintiff sustained damages as a result of the defendant's negligence and/or unseaworthiness of the TUG TUCANA?

Yes _____ No _____

- (b) If so, in what amount?

\$ _____

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6.(a) Do you find the plaintiff entitled to prejudgment interest?

Yes _____ No _____

(b) If so, at what percentage (not to exceed 12%).

_____ %

By its attorneys,
CLINTON & MUZYKA, P.C.

"/s/Thomas J. Muzyka"
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